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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,334	01/10/2008	Yoshihiko Nishizawa	36856.1333	8093
54066 7590 04/21/2011 MURATA MANUFACTURING COMPANY, LTD. C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191				
EXAMINER CHERVINSKY, BORIS LEO				
ART UNIT 2835		PAPER NUMBER		
NOTIFICATION DATE 04/21/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/565,334

**Applicant(s)**

NISHIZAWA, YOSHIHIKO

**Examiner**

Boris L. Chervinsky

**Art Unit**

2835

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 7-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/20/06,1/31/08,4/8/08,9/12/08,5/12/09.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 8, 9, 14, 15, 16, 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakakubo et al.

Nakakubo discloses the surface mountable device comprising: a surface mountable device comprising; a substrate 1, 2, 3, 4, 5, including a first principal surface (bottom surface), a second principal surface (top surface), and a side surface connecting the first principal surface to the second principal surface; a terminal electrode 14 disposed on the first principal surface; and a first conductor 16 for appearance inspection extending continuously from the terminal electrode 14 to the side surface and having a width less than a width of the terminal electrode 14; a second conductor for appearance inspection (horizontal portion of the conductor 16 on Fig. 4) disposed on the side surface of the substrate, the second conductor for appearance inspection being arranged to be continuous from an extended end of the first conductor for appearance inspection; the second conductor for appearance inspection extends in a direction that is substantially perpendicular to the first conductor (see Fig. 4); the first conductor 16 extends from the terminal electrode 14 to the inside of the substrate (see Fig. 2); at least two first conductors 16 and 17 are disposed continuously at the terminal electrode

14; the at least two first conductors 16 and 17 are disposed continuously at both ends of the terminal electrode 14; at least two second conductors disposed on the side surface of the substrate, the at least two second conductors being continuous from the extended ends of the at least two first conductors 16, 17; the at least two second conductors extend in a substantially horizontal direction.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakakubo et al. in view of Brown

With respect to claims 10, Nakakubo discloses the claimed invention but does not show the t-shaped conductor. Brown discloses the substrate provided with t-shaped conductor 54. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to arrange the conductors as T-shaped structure as disclosed by Brown in the device disclosed by Nakakubo et al. to provide better, reliable connection. With respect to claim 17, Nakakubo discloses the claimed invention but does not show terminal at oblique angle. Brown discloses the terminal 61 arranged at the oblique angle. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to arrange the terminal electrode at oblique

angle as disclosed by Brown in the device disclosed by Nakakubo et al. to provide reliable connection.

5. Claims 11-13 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakakubo et al.

With respect to claims 11-13, Nakakubo discloses the claimed invention but does not specify the size of the conductors. It would have been an obvious matter of design choice to have conductors sized as claimed, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris L. Chervinsky whose telephone number is 571-272-2039. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2835

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris L. Chervinsky/  
Primary Examiner, Art Unit 2835